



on Human Rights had not yet issued Notice of Right to Sue. As for the MHRA's Notice, plaintiff states that he's filed a writ proceeding in state court that is still pending.

Defendant responded, arguing that plaintiff's Counts I and II should be dismissed with prejudice, as explained in their motion to dismiss. Defendant explains that the Commission has no authority under the MHRA, § 213.111 RSMo, to issue a Right to Sue at this point. Plaintiff did not file a reply.

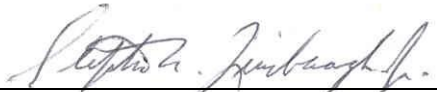
Ultimately, however, defendant concedes that the both motions should be held in abeyance pending the outcome of the state court writ proceedings, with discovery proceeding on plaintiff's federal claims. This Court agrees that defendant's motion to dismiss will be held in abeyance pending outcome of the state court writ proceedings. However, the motion to voluntarily dismiss Counts I and II will be denied.

Accordingly,

**IT IS HEREBY ORDERED** that defendant's motion to dismiss (#5) is **held in abeyance**.

**IT IS FURTHER ORDERED** that plaintiff's motion to dismiss without prejudice (#12) is **DENIED**.

Dated this 6th day of February, 2019.

  
UNITED STATES DISTRICT JUDGE